

**ASSEMBLY BILL**

**No. 1136**

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**Introduced by Assembly Member Levine**

February 22, 2013

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An act to amend Section 4074 of the Business and Professions Code, relating to pharmacy.

LEGISLATIVE COUNSEL'S DIGEST

AB 1136, as introduced, Levine. Pharmacists: drug disclosures.

The Pharmacy Law provides for the licensure and regulation of pharmacists by the California State Board of Pharmacy. Under existing law, in certain instances, if a prescription drug poses a substantial risk to the person consuming the drug when taken in combination with alcohol or if the drug may impair a person's ability to drive a motor vehicle, a pharmacist is required to inform the patient orally or in writing of those harmful effects when the drug is dispensed. A violation of the Pharmacy Law is a crime.

This bill would delete the requirement that the disclosure of harmful effects be performed orally or in writing. The bill would, in addition to that disclosure, require the pharmacist to include a written label on the drug container indicating the substantial risk to the person consuming the drug. Because a violation of this requirement would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 4074 of the Business and Professions  
2 Code is amended to read:  
3 4074. (a) (1) A pharmacist shall inform a patient ~~orally or in~~  
4 ~~writing~~ of the harmful effects of a drug dispensed by prescription  
5 ~~if the both of the following apply:~~  
6 (A) ~~The drug poses substantial risk to the person consuming the~~  
7 ~~drug when taken in combination with alcohol or if the drug may~~  
8 ~~impair a person's ability to drive a motor vehicle, whichever is~~  
9 ~~applicable, and provided the.~~  
10 (B) ~~The drug is determined by the board pursuant to subdivision~~  
11 ~~(b) to be a drug or drug type for which this warning shall be given.~~  
12 (2) ~~The pharmacist shall include a written label on the drug~~  
13 ~~container indicating the substantial risk to the person consuming~~  
14 ~~the drug, including the impairment of a person's ability to drive~~  
15 ~~a vehicle.~~  
16 (b) The board may by regulation require additional information  
17 or labeling.  
18 (c) This section shall not apply to ~~drugs a drug~~ furnished to  
19 ~~patients a patient~~ in conjunction with treatment or emergency  
20 services provided in ~~a health-facilities facility~~ or, except as  
21 provided in subdivision (d), to ~~drugs a drug~~ furnished to ~~patients~~  
22 ~~a patient~~ pursuant to subdivision (a) of Section 4056.  
23 (d) A health facility shall establish and implement a written  
24 policy to ensure that each patient shall receive information  
25 regarding each ~~medication drug~~ given at the time of discharge and  
26 each ~~medication drug~~ given pursuant to subdivision (a) of Section  
27 4056. This information shall include the use and storage of each  
28 ~~medication drug~~, the precautions and relevant warnings, and the  
29 importance of compliance with directions. This information shall  
30 be given by a pharmacist or registered nurse, unless already  
31 provided by a patient's prescriber, and the written policy shall be  
32 developed in collaboration with a physician, a pharmacist, and a  
33 registered nurse. The written policy shall be approved by the  
34 medical staff. Nothing in this subdivision or any other ~~provision~~

1 of law shall be construed to require that only a pharmacist provide  
2 this consultation.

3 SEC. 2. No reimbursement is required by this act pursuant to  
4 Section 6 of Article XIII B of the California Constitution because  
5 the only costs that may be incurred by a local agency or school  
6 district will be incurred because this act creates a new crime or  
7 infraction, eliminates a crime or infraction, or changes the penalty  
8 for a crime or infraction, within the meaning of Section 17556 of  
9 the Government Code, or changes the definition of a crime within  
10 the meaning of Section 6 of Article XIII B of the California  
11 Constitution.